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W.A.Nos.2024, 2019, 2023, 2025 & 2026 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE C. SARAVANAN

W.A.Nos.2024, 2019, 2023, 2025 & 2026 of 2022

and

C.M.P.Nos.15266, 15219, 15275, 15280 & 15252 of 2022

1.The Government of Tamil Nadu,
Represented by the Secretary to Government,
Animal Husbandries and Fisheries Department,
Secretariat, Chennai.

2.The Commissioner of Animal Husbandry and
Veterinary Services,
Chennai – 6.

3.The District Collector,
Dindigul.

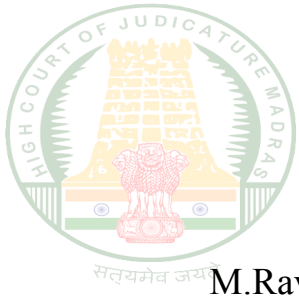
4.The Joint Director,
Animal Husbandry Department,
Dindigul.

... Appellants

Vs.

S.Antony Aknasi

... Respondent
in W.A.No.2024 of 2022



W.A.Nos.2024, 2019, 2023, 2025 & 2026 of 2022

M.Ravikumar
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... Respondent
in W.A.No.2019 of 2022

Thangaponnu

... Respondent
in W.A.No.2023 of 2022

K.Mariappan

... Respondent
in W.A.No.2025 of 2022

K.Chandrakumari

... Respondent
in W.A.No.2026 of 2022

Common Prayer : Writ Appeals in W.A.Nos.2024, 2019, 2023, 2025 & 2026 of 2022 filed under Clause 15 of the Letters Patent against the order dated 16.07.2021 in W.P.Nos.23879, 23881, 23880, 23882 and 23878 of 2012 respectively on the file of this Court.

For Appellants : Mr.P.Kumaresan
Additional Advocate General
assisted by Mr.P.Ananthakumar
Government Advocate
in all cases

For Respondent : Mr.V.Raghavachari
Senior Counsel
for M/s.V.Srimathi
in all cases



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COMMON JUDGMENT

(Judgment was delivered by **S.S. SUNDAR, J.**)

All the above five Appeals are against the common order of the learned Single Judge, dated 16.07.2021, in a batch of writ petitions in W.P.Nos.23878 to 23882 of 2012 filed by the respondents in these Appeals.

2.The respondents in these Appeals, who are hereinafter referred to as writ petitioners, claim that they were working on part time basis as Assistants in Veterinary Sub-Centres. They filed the writ petitions for issuance of a Writ of Mandamus directing the appellants not to fill up the post of Animal Husbandry Assistants on the basis of the letter dated 08.05.2012 on the file of the 2nd appellant without absorbing/regularising the writ petitioners while filling up the vacancies of Animal Husbandry Assistants in any one of the vacancies in Dindigul District.

3.The case of the writ petitioners is that they were appointed as part time workers as Veterinary Assistants in the Animal Husbandry Department



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and they have put in more than 12 years of service as on the date when the writ petitions were filed. The date from which the respective writ petitioners joined in service are given in the following table :

<i>Sl. No.</i>	<i>Writ Appeals</i>	<i>Writ Petitions</i>	<i>Name</i>	<i>Date or Period of Appointment</i>
1.	W.A.No.2026 of 2022	W.P.No.23878 of 2012	Chandrakumari	April, 2000
2.	W.A.No.2023 of 2022	W.P.No.23880 of 2012	Thangaponnu	26.07.1999
3.	W.A.No.2024 of 2022	W.P.No.23879 of 2012	Antony Aknasi	04.07.1997
4.	W.A.No.2025 of 2022	W.P.No.23882 of 2012	Mariappan	01.07.2000
5.	W.A.No.2019 of 2022	W.P.No.23881 of 2012	M.Ravikumar	July, 1995

4.Referring to the Government Order in G.O.Ms.No.22, Personnel and Administrative Reforms Department, dated 28.02.2006, the writ petitioners contended that they are to be regularised on completion of 10 years of service. When the appellants sought to appoint Assistants on regular basis based on subsequent Government Orders, the writ petitioners approached this Court by filing the above writ petitions for the relief above indicated.



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5.The writ petitions were disposed of by the learned Single Judge by common order dated 16.07.2021 with a direction to the appellants to consider the case of the writ petitioners for absorption in the post of Animal Husbandry Assistants on the basis of G.O.Ms.No.22, Personnel and Administrative Reforms Department, dated 28.02.2006, and G.O.Ms.No.74, Personnel and Administrative Reforms (F) Department, dated 27.06.2013. A time limit of 12 weeks was also fixed by the learned Single Judge while disposing of the writ petitions. Aggrieved by the same, the above Writ Appeals are filed.

6.Several grounds were raised by the appellants challenging the common order of the learned Single Judge. Apart from the factual submissions, it is contended by the appellants that the order of the learned Single Judge is contrary to the judgment of the Hon'ble Supreme Court in ***State of Rajasthan and others v. Daya Lal and others*** reported in ***AIR 2011 SC 1193*** and the judgment in the case of ***Secretary to Government, School Education Department v. R.Govindasamy*** reported in ***CDJ 2014 SC 146***.



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7.Learned Additional Advocate General appearing for the appellants

submitted that G.O.Ms.No.74, Personnel and Administrative Reforms (F) Department, dated 27.06.2013, is not applicable to part time and casual employees who are not entitled to the concession in Para No.2 of the said Government Order. It is also stated that G.O.Ms.No.22, Personnel and Administrative Reforms Department, dated 28.02.2006, is also not applicable, as the writ petitioners are not engaged on full time basis. Factually, it is stated that the writ petitioners were engaged not by the Department, but by the individual Livestock Inspectors to assist them in domestic works like cleaning and other purposes. It is also stated that no sanctioned post was available for recruiting or appointing the writ petitioners on regular basis.

8.The appellants have not given factual details before the Writ Court or before this Court as to the nature of engagement of writ petitioners. The learned Senior Counsel appearing for the respondents/writ petitioners has not produced any direct evidence to show that the writ petitioners were appointed on part time basis as against the regular posts or the job which is



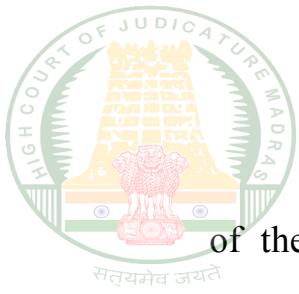
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regular and full time. As a matter of fact, no individual order or proceedings

appointing the writ petitioners as Assistants in any Sub-Centres is produced.

Learned Senior Counsel, however, relied upon a few documents that would suggest that the appellants have, in several proceedings, acknowledged the nature of employment of writ petitioners. Even though this Court is not fully in agreement with the appellants, the matter has to be examined with reference to several facts. The learned Additional Advocate General states that he can produce records explaining the documents which are relied upon by the learned Senior Counsel for the respondents before this Court.

9.It is in the said circumstances, this Court is of the view that the matter has to be examined afresh on the basis of all the documents that may be produced by the appellants as well as the writ petitioners in support of their stand. Therefore, these Writ Appeals are allowed and the order of the learned Single Judge is set aside and the matter is remitted to the learned Single Judge to decide afresh on merits. The learned Additional Advocate General undertakes that the appellants will keep atleast 5 posts vacant so that no prejudice will be caused to the writ petitioners during the pendency



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of the proceedings. No costs. Consequently, connected miscellaneous

petitions are closed.

(S.S.S.R., J.) (C.S.N., J.)
22.04.2025

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Internet : Yes

Index : Yes

Neutral Citation : Yes

To

- 1.The Secretary to Government,
Government of Tamil Nadu,
Animal Husbandries and Fisheries Department,
Secretariat, Chennai.
- 2.The Commissioner of Animal Husbandry and
Veterinary Services,
Chennai – 6.
- 3.The District Collector,
Dindigul.
- 4.The Joint Director,
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Dindigul.

S.S. SUNDAR, J.



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